



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARTURO E. ACOSTA,
#1038641

Plaintiff,

vs.

LAGRANDE, *et al.*,

Defendants.

3:11-cv-00030-LRH-RAM

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On May 20, 2011, the court reviewed plaintiff's amended complaint (docket #8) and determined that it may proceed.

IT IS THEREFORE ORDERED as follows:

1. Given the nature of the claims that the court has permitted to proceed, this action is **STAYED** for ninety (90) days to allow plaintiff and defendant(s) an opportunity to settle their dispute before an answer is filed or the discovery process begins. During this ninety-day stay period, no other pleadings or papers shall be filed in this case, and the parties shall not engage in any discovery. The court will decide whether this case will be referred to the court's Inmate Early Mediation Program, and the court will enter a subsequent order. Regardless, on or before ninety (90) days from the date this order is

1 entered, the Office of the Attorney General shall file the report form attached to this
2 order regarding the results of the 90-day stay, even if a stipulation for dismissal is entered
3 prior the end of the 90-day stay. If the parties proceed with this action, the court will
4 then issue an order setting a date for the defendants to file an answer or other response.
5 Following the filing of an answer, the court will issue a scheduling order setting
6 discovery and dispositive motion deadlines.

- 7 2. "Settlement" may or may not include payment of money damages. It also may or may
8 not include an agreement to resolve plaintiff's issues differently. A compromise
9 agreement is one in which neither party is completely satisfied with the result, but both
10 have given something up and both have obtained something in return.
- 11 3. The Clerk shall electronically **SERVE** a copy of this order and a copy of plaintiff's
12 amended complaint (docket #8) on the Office of the Attorney General of the State of
13 Nevada, attention Pamela Sharp.
- 14 4. The Attorney General's Office shall advise the Court within twenty-one (21) days of the
15 date of the entry of this order whether it will enter a limited notice of appearance on
16 behalf of the defendants for the purpose of settlement. No defenses or objections,
17 including lack of service, shall be waived as a result of the filing of the limited notice of
18 appearance.

19 **IT IS FURTHER ORDERED** that plaintiff's motion for entry of default judgment (docket #17)
20 is **DENIED**.

21
22 DATED: August 25, 2011.

23
24 
25 UNITED STATES MAGISTRATE JUDGE
26

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Plaintiffs,

4 vs.

5 Defendants.

6 , et al.,

3:00-CV-0000-____ (____)

REPORT OF THE OFFICE OF THE
ATTORNEY GENERAL RE:
RESULTS OF THE 90-DAY STAY

8 **NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM.**
9 **THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.**

10 On _____ [the date of the issuance of the screening order], the Court issued its
11 screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that
12 certain specified claims in this case would proceed. The court ordered the Office of the Attorney
13 General of the State of Nevada to file a report ninety (90) days after the date of the entry of the court's
14 screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the
15 Office of the Attorney General hereby complies.

16 REPORT FORM

17 [Identify which of the following two situations (identified in bold type) describes the case, and follow
18 the instructions corresponding to the proper statement.]

19 **Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator**
20 **during the 90-day stay.** [If this statement is accurate, check **ONE** of the six statements below and fill
in any additional information as required, then proceed to the signature bloc.]

21 _____ A mediation session with a court-appointed mediator was held on _____
22 [enter date], and as of this date, the parties have reached a settlement (even if paperwork
23 to memorialize the settlement remains to be completed). (If this box is checked, the
parties are on notice that they must SEPARATELY file either a contemporaneous
stipulation of dismissal or a motion requesting that the court continue the stay in the
case until a specified date upon which they will file a stipulation of dismissal.)

24 _____ A mediation session with a court-appointed mediator was held on _____
25 [enter date], and as of this date, the parties have not reached a settlement. The Office of
the Attorney General therefore informs the court of its intent to proceed with this action.

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